

FRIEDMAN, JAMES & BUCHSBAUM LLP

Attorneys for Plaintiff
132 Nassau Street, Suite 900
New York, NY 10038
(212) 233-9385
BF-9219

JUDGE McMAHON

08 CV 1624

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AL GAYOSO,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

COMPLAINT

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

FEB 19 2008

U.S.D.C. S.D. N.Y.
CASHIERS

**SUITS UNDER SPECIAL RULE FOR SEAMEN TO
SUE WITHOUT SECURITY OR PREPAYMENT OF
FEES FOR THE ENFORCEMENT OF THE LAWS
OF THE UNITED STATES, COMMON AND STAT-
UTORY FOR THE PROTECTION OF AND FOR
THE HEALTH AND SAFETY OF SEAMEN AT SEA**

Plaintiff AL GAYOSO, complaining of the defendant THE CITY OF NEW YORK, by his attorneys FRIEDMAN, JAMES & BUCHSBAUM LLP, respectfully alleges as follows:

FIRST COUNT

1. Upon information and belief, at all times hereinafter mentioned, defendant THE CITY OF NEW YORK was a municipal corporation with offices within the State of New York and City of New York.

2. At all times and dates hereinafter mentioned, the defendant THE CITY OF NEW YORK owned the Ferry ANDREW J. BARBERI.

3. At all times hereinafter mentioned, the defendant THE CITY OF NEW YORK operated the Ferry ANDREW J. BARBERI.

4. At all the times and dates hereinafter mentioned, the defendant THE CITY OF NEW YORK controlled the Ferry ANDREW J. BARBERI.

5. At all times and dates hereinafter mentioned, the plaintiff was a member of the crew of the Ferry ANDREW J. BARBERI and an employee of the defendant.

6. That on or about January 16, 2008, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of the defendant THE CITY OF NEW YORK, its agents, servants and/or employees, and by reason of the unseaworthiness of its vessel, the plaintiff was caused to sustain injuries.

7. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

8. By reason of the foregoing, plaintiff has been damaged in the sum of TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS.

SECOND COUNT

9. Plaintiff repeats and realleges each and every allegation of the First Count in this Complaint as if fully set forth at length herein.

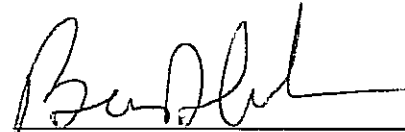
10. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of TWENTY THOUSAND (\$20,000.00) DOLLARS.

WHEREFORE, plaintiff AL GAYOSO demands judgment against defendant THE CITY OF NEW YORK in the First Count in the sum of TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS; and in the Second Count in the sum of TWENTY THOUSAND (\$20,000.00) DOLLARS; together with interest and costs.

Dated: New York, New York
February 11, 2008

FRIEDMAN, JAMES & BUCHSBAUM LLP

By:



Bernard D. Friedman (BF-9219)
Attorneys for Plaintiff
132 Nassau Street, Suite 900
New York, NY 10038
(212) 233-9385
bfriedman@friedmanjames.com